IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14680 of 2005

Between:

N. Siva Senani, S/o. N. Sadasiva Sastry,
R/o. 2-105/2, Kothapet, Hyderabad-500 035.

..... PETITIONER

AND

1 The Vice Chancellor, Osmania University, Hyderabad-500 007.
2 The Registrar (Academic), Osmania University, Hyderabad - 500 007.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ direction or an order one in the nature of writ of mandamus declaring the rules of admission to M.A. Sanskrit which exclude an engineering degree as an eligibility for admission to M.A. Sanskrit even though such a degree holder might have completed the requisite language papers separately as illegal, violating the Right to Education, and the Article 14 of the Indian Constitution, and contrary to judicial precedents and principles.

Counsel for the Petitioner: MR.J.C.FRANCIS

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in not providing admission to him in M.A. Sanskrit in spite of fulfilling all the requirements as contemplated under the Rules of eligibility.

2. According to the petitioner, he obtained a degree in Engineering and thereafter he rendered service in various departments and after taking voluntary retirement, he appeared for the Entrance Examination to study M.A. Sanskrit and obtained 8th Rank. But, however, the respondent University did not allot seat to him. Therefore, the petitioner has come up with the present writ petition.

3. The learned counsel for the petitioner contends that as per the Rules for getting admission into two year Post Graduate Sanskrit Course, one must be a graduate with 40% marks in aggregate of Part–II and passed Senior Diploma in Sanskrit with 50% marks offered at Nizam College. It is further contended that as per the Osmania University Post Graduate Entrance Test & Admissions – 2005 Instructions, the candidates who have passed an examination other than B.C.A/B.A/B.Sc/B.Com/B.C.J/B.Li.Sc./B.Ed Degree must ensure their eligibility/equivalence before appearing for the Entrance Test. Though the petitioner had passed the Engineering Degree, the same is not being treated as equivalent to the other degrees specified in the Note of the instructions. The respondent University rejected the petitioner's claim on the ground that the degree possessed by the petitioner is not equivalent to that of the degrees specified in the Note at page No.17 of the instructions. Therefore, he sought for appropriate directions.

4. On the other hand, the learned Standing Counsel appearing for the University, opposed the claim of the petitioner and contended that even if the Engineering Degree is treated as equivalent to the degrees specified in the Note of the Instructions at Page No.17, but however, as the petitioner did not possess the Diploma in Sanskrit as contemplated under the Rule of eligibility, the petitioner is not entitled to seek admission even after obtaining the Rank in the Entrance Examination.

5. Heard both sides and considered the entire material available on record.

6. As per the eligibility instructions provided in the admission instructions, to get admission into M.A. Sanskrit one must be a graduate with 40% marks in aggregate of Part – II and passed Senior Diploma in Sanskrit with 50% marks. Admittedly, the petitioner is an Engineering Graduate. Though there is some dispute or difference

as it is equivalent to the other degrees like B.A/B.Com, but however, admittedly, the petitioner did not possess the diploma as contemplated under the eligibility conditions. Therefore, without going into the issue as to the equivalency or otherwise of the degree possessed by the petitioner and that all other degrees specified, since the petitioner did not possess Diploma in Sanskrit with 50% marks, he is not eligible even after obtaining a rank in the Common Entrance Test.

7. Therefore, the writ petition is devoid of merits and the same is accordingly dismissed.

S.Ananda Reddy, J

Date: 11.07.2005

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To

1 The Vice Chancellor, Osmania University, Hyderabad-500 007.
2 The Registrar (Academic), Osmania University, Hyderabad - 500 007.

3. 2 CD copies.